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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,303

08/03/2006

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8048-1174

6863

466 7590 03/13/2009

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EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

03/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant responded to the original requirement for election / restriction mailed December 4<sup>th</sup>, 2008. The response filed December 15<sup>th</sup>, 2008, has been fully considered.

Although applicant elected Group II of the original restriction requirement without traverse, upon further consideration Group II itself contains multiple inventions. Applicant therefore must also elect one of the inventive concepts of the originally elected Group II. These are explained as follows.

### ***Election/Restrictions***

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, claim(s) 13 and 14, drawn to the ejection procedure.

Group B, claim(s) 16-18, drawn to the block length.

Group C, claim(s) 19-24, drawn to the addressing scheme.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Each of the inventive groups (A-C) listed above contains sub-species.

For Group A (the ejection procedure):

Species I: where the full interlayer buffer area is generated at the time of recording.

Species II: where a small interlayer buffer area is generated during recording, and then a full one is generated during the ejection procedure (as per Fig. 14).

Species III: where no interlayer buffer area is generated during recording, and instead the entire area is generated during the ejection procedure (as per Fig. 15).

For Group B (the block length):

Species IV: fixed block lengths.

Species V: variable block lengths.

Species VI: fixed and variable block lengths.

For Group C (the addressing scheme):

Species VII: wherein the addresses is proportional to the pre-address (as per Fig. 3b).

Species VIII: wherein the address is continuous in each block area but discontinuous between them (as per Fig. 3c).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

Claim 10: generic to all species of the originally elected Group II

Claim 11: generic to all species of the originally elected Group II

Claim 13: species III

Claim 14: species II

Claims 15-16: generic to species IV and species VI.

Claim 17: generic to species V and species VI

Claim 18: species VI

Claim 19: generic to species VII and VIII

Claim 20: species VII

Claim 21: species VIII

Claim 22: species VII

Claim 23: generic to species VII and VIII

Claim 24: species VII

Claim 27: generic to species VII and VIII

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: as shown in the

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International Search Report completed 04-28-2005, reference WO 2003/038823

discloses all elements of the linking claim.

6. A telephone call was made to Robert Patch on March 4<sup>th</sup>, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. LAMB whose telephone number is (571)272-5264. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher R Lamb/

Examiner, Art Unit 2627